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Supreme Court of the United States

OCTOBER TERM, 1950

No. 399

JACK H. BREARD,

Appellant,

vs.

CITY OF ALEXANDRIA

APPEAL FROM THE SUPREME COURT OF THE STATE OF LOUISIANA

**MOTION FOR LEAVE TO FILE
BRIEF AMICUS CURIAE**

HAYDEN C. COVINGTON,

*Attorney for Amicus Curiae,
Watchtower Bible and Tract
Society, Inc.*

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MAY IT PLEASE THE COURT:

Now comes Hayden C. Covington, general counsel for Watchtower Bible and Tract Society, Inc., the legal governing body of Jehovah's witnesses, and moves the Court for an order allowing him to file, in behalf of said Society, a brief amicus curiae in this case.

Jehovah's witnesses are deeply concerned in the issues involved in this case. The law involved prohibits them from calling from door to door without the prior consent of the occupants of premises called upon. Counsel desires, in behalf of said Society, to discuss whether the law is a reasonable police measure. He also desires to point out wherein it is invalid as applied to the exercise, by missionary evangelists, of their rights of freedom of speech and freedom of worship guaranteed by the First and Fourteenth Amendments against abridgment by the state.

Jehovah's witnesses, through said counsel, attempted to get this Court to review and decide the issues involved in this case as applied to Jehovah's witnesses in *People v. Bohnke*, 287 N.Y. 154, 38 N.E. 2d 478, certiorari denied 316 U. S. 667, rehearing denied 316 U. S. 713, which was referred to in *Martin v. Struthers*, 319 U. S. 141, at page 148. Again, in 1948, counsel requested this Court to review and decide the validity of the requirement in *Watchtower Bible and Tract Society, Inc. v. Metropolitan Life Insurance Co.*, 297 N.Y. 572, certiorari denied 335 U. S. 886, rehearing denied 335 U. S. 912.

The wide effect of the Green River law, the type involved in this case, upon the work of Jehovah's witnesses is evident in *City of Shreveport v. Teague*, 200 La. 679, 8 S. 2d 640 (1942); *Donley v. City of Colorado Springs*, 40 F. Supp. 15 (D.C., Colo., 1941); *Zimmerman v. Village of London*, 38 F. Supp. 582 (S.D., Ohio, E.D., 1941); *DeBerry v. City of La Grange*, 62 Ga. App. 74, 8 S.E. 2d 146 (1940), where the enforcement of the ordinances was successfully resisted. In view of the fact that counsel was unsuccessful in getting this Court to consider and determine the correctness of his views as to the validity of this type of law in the *Bohnke* and *Metropolitan* cases and since a decision in this case will widely affect more than one hundred thousand of Jehovah's witnesses throughout

the United States, the Court is respectfully requested to allow the filing of the brief *amicus curiae*.

Inasmuch as there is involved the right of every one of the millions of householders in the United States to determine for himself whether or not he desires to have door-to-door callers, as is stated in *Martin v. Struthers*, 319 U. S. 141, at pages 147-148, it would be appropriate to consider many different views in addition to those that may be presented by the immediate parties involved in this case. The rights of not only over one hundred thousand of Jehovah's witnesses are involved, but the rights of all of the people in the country are involved. Therefore the views allowed to be urged upon the Court ought not to be confined to those suggested by the immediate parties to the case. See *The Struggle for Judicial Supremacy*, Robert H. Jackson, New York, Knopf, 1941, pages 286-310.

Counsel has attempted to get the consent of the attorneys for both the appellant and the appellee to the granting of this motion. Counsel for the appellant has consented to the filing of the brief. Counsel for the appellee, although consenting to the filing of another brief *amicus curiae* by other parties in this case, has refused to consent to the request here made, with the statement that Jehovah's witnesses are not interested in and will not be affected by the decision in this case. Counsel requests leave of the Court for permission to file the brief *amicus curiae* notwithstanding such refusal to give consent in view of the great interest and immediate concern that Jehovah's witnesses have in a decision by this Court upon the validity of the Green River ordinance.

This motion is filed not for the purpose of delay but in order that justice may be done. Neither the parties nor the Court will be harmed or delayed by the granting of this motion.

WHEREFORE, counsel prays that an order be entered permitting counsel to file a brief amicus curiae in this case in behalf of Watchtower Bible and Tract Society, Inc., the legal governing body of Jehovah's witnesses.

Respectfully submitted,

HAYDEN C. COVINGTON,

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Watchtower Bible and Tract
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January 10, 1951.

